STATE OF MICHIGAN

COURT OF APPEALS

MICHAEL JAMES COPE,

        Plaintiff-Appellant,

v

GAIL ELIZABETH COPE,

        Defendant-Appellee.

UNPUBLISHED
February 17, 2004

No. 244479
Oakland Circuit Court
LC No. 00-142137-DO

Before: Schuette, P.J., and Meter and Owens, JJ.

MEMORANDUM.

Plaintiff appeals by leave granted after remand from the Supreme Court the order modifying the parties' judgment of divorce. We reverse. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

After a short marriage, the parties were divorced through a consent judgment. Under the property settlement portion of the judgment, defendant was awarded a 2000 Toyota Camry, titled in her name, and plaintiff was required to "make timely payments on the present debt secured by said automobile until the debt is paid in full, or until the defendant sells, refinances, or otherwise disposes of the automobile." The car was stolen, and the loan was paid off by insurance. The trial court granted defendant's motion to modify the judgment, and ordered plaintiff to pay the equivalent amount of the loan directly to plaintiff until the date the loan would have been paid off.

Property settlement provisions in a divorce judgment are typically final and cannot be modified by the court. *Quade v Quade,* 238 Mich 222, 226; 604 NW2d 778 (1999). Absent fraud, duress, or mutual mistake, courts must uphold divorce property settlements reached through negotiation and agreement of the parties. *Id.*

Here, the judgment of divorce did not provide for spousal support in the form of a car. The judgment specifically stated that neither party is awarded alimony, and all rights, claims, and demands for alimony or support are forever barred. The trial court lacked the authority to rewrite the parties' settlement to require plaintiff to provide defendant with another automobile, rather than take responsibility for a debt that accrued during the marriage. *Quade, supra.*

Reversed.

/s/ Bill Schuette
/s/ Patrick M. Meter
/s/ Donald S. Owens